

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
February 18, 2003

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, February 18, 2003, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor M. A. Truckenmiller from Breakthrough Worship Center gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

### **HIGHWAY MATTERS**

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), stated that most of the items addressed by the Board members in previous meetings had been resolved, and he will be meeting with traffic engineering to review the remaining issues. He mentioned the bad weather conditions and the tendency for roads to develop potholes. He stated VDOT will be out checking areas for potholes, and he encouraged citizens to contact VDOT if large potholes have developed in their subdivisions.

Mr. Wiggins asked Mr. Hicks to check on the paving of roads in the Edgehill section.

Mrs. Noll stated she had received a complaint about the ditch underneath Production Drive.

Mr. Zarembo mentioned that Route 199 had many potholes to be repaired.

Mr. Wiggins reminded Mr. Hicks to watch tonight's meeting on television so he could see the many residents from the Burts Road area.

### **PRESENTATIONS**

#### **TOURISM REPORT**

Ms. Kristi Olsen, Tourism and Events Coordinator, appeared before the Board to report on the tourism events planned for Yorktown. She explained that her mission and overall goal was to increase tourism in historic Yorktown and the County by developing, managing, marketing, and implementing programs, activities, and special events that promote and encourage visita-

tion and tourism. She elaborated on some of the recent projects and accomplishments to encourage tourism. Those projects include the Jamestown 2007 Commemoration, the Tall Ships Committee, the Virginia 2007 Community Program, and the York Hall Tourist Information and Cultural Arts Site.

#### VIDEO SERVICES BOARD

Mr. Michael Canty, Chairman of the Video Services Board, appeared to present the Video Services Board Annual Report. He stated there were over 208 hours of locally produced programming, an increase of 20 hours in the programming from last year. He mentioned some of the locally produced programs such as York County News, County Courier, About Our Schools, as well as the broadcast of various Board meetings and other special events videos throughout the County.

#### TELECOMMUNICATIONS SYSTEM UPGRADE

Mr. Steve Kopczynski, Fire Chief, gave the Board an update on the status of the communications system upgrade project, a cooperative effort between James City County and York County. He explained that Phase II of the project consists of system design, acquisition, and implementation. Both localities are beginning the process of evaluating proposals, and negotiations will take place soon. He stated that within a few months the Board should be presented with a procurement recommendation, and the project would be completed within 18 to 24 months.

#### CITIZENS COMMENT PERIOD

Ms. Karen Berquist, 469 Catesby Lane, appeared before the Board to discuss the proposed Special Use Permit application previously tabled by the Board at its January 21 meeting and scheduled to be heard again during this meeting. She stated the Board was concerned over the square footage of the home and the size of the accessory apartment. She explained that the square footage has now been recalculated, and the original square footage used during the Board's January meeting was incorrect.

#### COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett reported that the General Assembly would be in session for one more week, and he elaborated on some of the bills being considered. He explained that the item to allow counties to regulate parking passed. He stated that the pawn broker bill has passed the House and Senate, but the bill regulating photo monitoring did not pass. The bill to allow the Planning Commission and Board of Zoning Appeals the same flexibility that the Board of Supervisors has to alternate dates in the event of weather cancellations or other emergencies has passed both houses. Mr. Barnett noted the seat belt bill was defeated.

#### COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of the following upcoming work sessions and meetings:

March 4	5:30 p.m.	Yorktown Design Guidelines
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	7:00 p.m.	Regular Meeting
March 6	7:00 p.m.	Joint Meeting with the Industrial Development Authority
March 11	6:00 p.m.	Budget Work Session
March 13	7:00 p.m.	Public Hearing on FY04 Budget and Tax Rates
March 18	7:00 p.m.	Regular Meeting
March 20	6:00 p.m.	Budget Work Session
March 25	6:00 p.m.	Budget Work Session
March 26	7:00 p.m.	Joint Meeting with the Chairs of York County's Boards and Commissions
March 27	6:00 p.m.	(Tentative) Budget Work Session
April 1	5:30 p.m.	Budget Work Session
	7:00 p.m.	Regular Meeting (Adoption of FY04 Budget)

#### **MATTERS PRESENTED BY THE BOARD**

Mrs. Noll stated the celebration of Black History Month was successful. She noted she had attended Charter Day at the College of William & Mary and also attended a meeting at Hampton University to discuss transit alternatives for light rail. She noted she also attended a meeting in Williamsburg regarding the 2007 celebrations, and stated citizens will be encouraged to provide input as the date gets closer.

Mr. Zaremba commented on recent newspaper articles discussing development and growth on the Peninsula, specifically within the County. He stated that some of the articles supported growth in subdivisions, but mostly there was opposition to development. The articles were trying to get at solutions to growth, and the impression given was that the Board was allowing development throughout the county. He stated those developments could not be prevented by the Board; he then explained the Comprehensive Plan and what that plan meant for the County. He explained that the original projection called for in the plan was for 120,000-130,000 people to make up the population in the County. He stated after review of the plan, the cap on growth went from a population of 120,000 to 80,000. He reminded citizens of their right to become involved directly or indirectly in the planning through their Board of Supervisors' representative. He also reminded citizens of ways to pay for development, one of which is revenue that is generated from economic development in the County. He spoke on the development in the Williamsburg area, and pointed out that it was Colonial Williamsburg who sold the land to Busch Gardens and began much of the development along with the change of character in that area.

Mr. Shepperd spoke on the problems with flooding in the County, including the ongoing problems in the District 5 area, and the subsequent establishment of a Stormwater Advisory Committee to identify problem areas. He pointed out the County will be contributing \$1 million towards the Moore's Creek project to help resolve some of the problems with drainage in Running Man, Woodlake Crossing, and areas in that vicinity.

Chairman Burgett stated he gave the opening remarks for Black History Month that was held in York Hall and that the four-day program was a success. During the program, he stated he presented a proclamation to honor Dr. Blanton, the first African-American doctor in the Williamsburg area, and he spoke of some of Dr. Blanton's accomplishments. He spoke on the York County Chamber of Commerce's after-hours function in York Hall, noting that the Chamber has replaced the York County Business Association. He noted he had attended a joint meeting with the York County Planning Commission, and he stated the Board was normally in agreement with the Planning Commission. He announced that Congresswoman Jo Ann Davis had secured \$500,000 for the Yorktown projects to be used for transportation, parking lots, and roads. Chairman Burgett mentioned the Board's upcoming retreat, stating it was an effort to streamline and prioritize items coming before the Board.

Recess: At 7:53 p.m. Chairman Burgett declared a short recess.

Reconvene: At 8:00 p.m. the meeting was reconvened in open session by order of the Chair.

## **PUBLIC HEARINGS**

### **PROPOSED SECONDARY ROAD IMPROVEMENT PLAN, FY2004 THROUGH FY2009**

Mr. J. Mark Carter, Planning and Zoning Manager, made a presentation on the proposed Secondary Road Improvement Plan for FY2004 through FY2009. He stated the public hearing is a joint hearing conducted with VDOT and is required by law. He briefly explained the proposed changes for some of the projects which include Lakeside Drive, Dare Road, Big Bethel Road, Ft. Eustis Boulevard, Penniman Road, Cary's Chapel Road, and Water Country Parkway. He explained that these were essentially the same roads that have been listed in the Six-Year Plan for many years.

Mr. Zaremba asked about the cost for Waller Mill Trail bikeway and the previously projected allocations for projects that didn't make the cut due state's budget shortfall. He stated there were hundreds of thousands of dollars difference in what was allocated.

Mr. Carter stated the total cost of the bikeway was \$275,000 with a requirement for the locality to match 20 percent of that cost. The Board has done that through previous allocations in the Secondary Road Funds, and \$9,000 will complete the 20 percent match requirement.

Mr. Shepperd stated there was still a requirement for over \$700,000 to complete the project on Big Bethel Road.

Chairman Burgett pointed out that a lot of money was already invested in many of the projects.

Mr. Wiggins stated the program was not as beneficial to Seaford Road as it could be, but he acknowledged that there isn't any money to do it any other way.

Chairman Burgett then called to order a public hearing on the proposed Secondary Road Improvement Plan which was duly advertised as required by law.

Ms. Edna Haggerty, 403 Timberline Loop, appeared before the Board to discuss the road problems adjacent to the Rainbrook Villa subdivision. She voiced her concerns over the Burts

Road/Grafton Drive project that has been eliminated from the plan and expressed the importance of the road to the citizens of that area. She addressed the safety hazards of the Grafton Drive/Route 17 intersection and requested that a "No Right Turn On Red" sign be installed.

Mr. Joe Haggerty, 403 Timberline Loop, also appeared to emphasize the importance of Burts Road/Grafton Drive to the community.

Mr. Paul Garman, 109 Chisman Point Road, appeared to represent the developers of the Rainbrook Villa area. He told the Board that Grafton Drive and Burts Road should stay on the road improvement plan and gave the reasons why those roads should be improved. He explained that Rainbrook Villas functions with a temporary entrance, and the primary reason for the road to stay on the list was safety.

There being no one else present who wished to speak concerning the proposed Secondary Road Improvement Plan, Chairman Burgett closed the public hearing.

Mr. Wiggins asked Mr. Hicks if he had investigated the Burts Road situation.

Mr. Hicks advised the Board that he had looked at the road, and it was a concern to him. He stated it was unfortunate that no money was available right now, and he was not comfortable estimating when the project might get done.

Mr. Zaremba asked if a "No Turn On Red" sign could be installed.

Mr. Hicks stated he would strongly consider the sign.

Mr. Shepperd discussed the lack of funds to complete the road projects, and pointed out that many people are asking for other projects. He stated the money has to be spread out among the projects, particularly to those areas that may be dangerous.

Chairman Burgett reiterated the fact that the money is just not there, and they will have to do the best with what they have to work with while continuing to look for ways to find money to solve the problems.

Mrs. Noll then made a motion to adopt the proposed Secondary Road Improvement Plan, FY2004 through FY2009 as submitted.

On roll call the vote was:

Yea:	(5)	Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay:	(0)	

#### APPLICATION NO. UP-610-02 (amended), KENNETH DALE MOORE

Mr. Carter made a presentation on Application No. UP-610-02 to approve a use permit authorizing the establishment of a mini-storage warehouse facility on a 2.6-acre portion of a 6.3-acre parcel of land located on Hampton Highway approximately 900 feet east of the intersection of Hampton Highway and Big Bethel Road. He explained that the property was designated as General Business, and that both the staff and the Planning Commission had recommended denial of the project. He noted this was the second time the application has been presented for the Board's consideration.

Mr. Zaremba asked what might be a better use of the property.

Mr. Carter indicated that some of the other uses might be retail space or office type uses. He stated the applicant had information that the property may not be suitable for retail space.

Chairman Burgett indicated there are 112 uses for general business within the County.

Mr. Shepperd asked if a gas station or a fast-food facility could be developed on the property.

Mr. Carter affirmed that a gas station or a fast-food facility could locate on the property with a use permit.

Mrs. Noll spoke of it being the last large piece of property on Route 134, and she suggested that perhaps it could be divided into two pieces. She asked about the size of the property and if, after the storage facility was added, a gas station could still be added.

Mr. Lamont Myers, representing the applicant and the property owner, appeared to answer any of the Board's questions regarding the application. He cited examples of the applicant's intended use of the property, and encouraged the Board to approve the application. He stated that self-storage is a use that is needed very badly in this area, and he opined that the general business designation for this area was never intended to support uses with a regional draw or regional shopping center. It was always intended to serve the needs of the local population.

Mr. Zaremba stated if the request was to use the parcel of land for another strip mall, he would be very opposed. He stated there were already more strip malls than the County needed, and he also questioned why someone would want to rent office space in that area.

Mr. Shepperd stated the area is rather sensitive because it consists of residential areas with few businesses. He indicated he was concerned with the impact on traffic in that area, but he pointed out that this type of business generates the least amount of traffic. He then addressed the aesthetic design proposal and stated he felt the applicant had gone the extra mile in that area. He also addressed his concerns concerning abandoned businesses throughout the County, noting he felt this business was sustainable.

Mrs. Noll stated she had wrestled with this application, but she commended the applicant on the design of a good product. She acknowledged that this parcel was the last large parcel in that area, and that Route 134 was a major commuter corridor. She stated she did not feel this was the best use of the property on a major corridor, noting she felt these types of businesses should be on side streets. She mentioned that she liked the product very much, but would like to see the business located elsewhere.

Mr. Wiggins explained that there was a need for storage facilities in the area, and he realized the need for citizens to have access to those facilities. He stated he felt that there may not be a better location for such a facility, and he expressed his support for the project.

Chairman Burgett reiterated that there were 112 permitted uses in this district, and that there were many good projects that could go there. He stated he had conducted some tax comparisons on various possible facilities, and in an office facility some of those businesses would be providing jobs, thereby creating more wealth in our community. He stated the storage facility would not make a major tax contribution and that the Board did not want to sell the

property short. He pointed out that this was the same proposal that had been modified and presented for approval two times, and he still was not in favor of the application.

Chairman Burgett then called to order a public hearing on Application No. UP-610-02 that was duly advertised as required by law. Proposed Resolution R03-17 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO  
AUTHORIZE THE ESTABLISHMENT OF A MINI-STORAGE WARE-  
HOUSE FACILITY ON 2.6 ACRES ALONG ROUTE 134

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Wiggins then moved the adoption of proposed Resolution R03-17 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO  
AUTHORIZE THE ESTABLISHMENT OF A MINI-STORAGE WARE-  
HOUSE FACILITY ON 2.6 ACRES ALONG ROUTE 134

WHEREAS, Kenneth Dale Moore has submitted Application No. UP-610-02 (amended), which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance, to authorize the establishment of a mini-storage warehouse facility on a 2.6-acre portion of a parcel located on Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-158; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends denial of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18<sup>th</sup> day of February, 2003 that Application No. UP-610-02 (amended) be, and it is hereby, approved to authorize the establishment of a mini-storage facility on 2.6 acres along Hampton Highway (Route 134) subject to the following conditions:

1. This use permit shall authorize the establishment of a mini-storage warehouse facility on 2.6 acres of a 6.3-acre parcel of land located along Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-158.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any construction or land disturbing activities on the site. Except as modified herein, said site plan shall be in substantial conformance with the sketch plan entitled "Revised Sketch Plan: Proposed Self Storage Facility, Hampton

Highway (Alt. #2)," prepared by Campbell Land Surveying, Inc. and dated December 6, 2002.

3. The mini-storage warehouse facility shall be developed and operated in accordance with the standards set forth in Section 24.1-483, Standards for all wholesaling and warehouse uses, and Section 24.1-484, Standards for mini-storage warehouses, of the York County Zoning Ordinance.
4. A Type 25 (twenty-five-foot) transitional buffer shall be constructed and maintained along the entire rear portion of the 2.6-acre parcel, adjacent to the Belmont Apartment complex. Landscape plantings in the Type 25 buffer shall be in accordance with the planting requirements and ratios for a Type 35 (35') buffer.
5. A ten-foot (10') landscape yard shall be provided along the parcel's northern boundary where it abuts the two adjacent parcels located along Hampton Highway (Assessor's Parcel Nos. 37-157B and 37-157D). Landscape plantings in this landscape yard shall be in accordance with the planting requirements and ratios for a Type 25 (25') buffer.
6. A thirty-five-foot (35') greenbelt buffer shall be maintained along the entire frontage of the development in accordance with 24.1-245, Greenbelts, of the York County Zoning Ordinance.
7. The hours of operation of the facility shall be limited to 6:00 a.m. to 9:00 p.m. daily.
8. A single commercial entrance to Route 134 shall serve the entire 6.3-acre site, regardless of any future subdivision. The applicant shall accomplish this through the recordation of a ten-foot (10') restricted access easement along the entire Hampton Highway frontage of the subject parcel exclusive of the proposed entrance depicted on the referenced sketch plan.
9. All outward-facing walls shall be constructed of split-face block and shall be compatible in color and architecture with the adjacent Wash-Moore car wash facility and Belmont Apartment complex.
10. Freestanding signage for the development shall be limited to one ground-mounted monument type sign. Said sign shall be constructed of brick or split-faced block material and shall be compatible in color and architecture with the rest of the development.
11. The development shall be limited to a maximum of 50,300 net square feet of rentable space.
12. All warehouse doors shall face the inside of the mini-storage warehouse development. No warehouse doors shall be sited along or in the exterior façade of the mini-storage warehouse development.
13. Fencing shall be of a black, wrought iron style. The use of chain link or similar theft-deterrent wire (i.e., barbed wire, razor wire, etc.) anywhere on the property shall not be permitted.
14. Building height shall be no greater than fifteen feet (15'), as measured from the finish grade, except for any gables on the decorative facade, which may be no greater than thirty feet (30'), as measured from the finish grade.



15. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (3) Wiggins, Shepperd, Zaremba  
Nay: (2) Noll, Burgett

APPLICATION NO. UP-614-03, COLUMBIAN COUNCIL 7469

Mr. Carter made a presentation on Application No. UP-614-03 requesting an amendment to a previously approved use permit granted for a Knights of Columbus meeting hall located at 8729 George Washington Memorial Highway with regard to a reduction of landscaping and an extension of the time period to comply with conditions of approval. He stated the Planning Commission recognized that this organization had made many improvements to the property, but that both staff and the Commission felt that five years was an adequate period of time for at least some degree of compliance with the use permit conditions. He stated the Planning Commission recommended that the applicant be allowed an additional six months for installation of the parking, entrance and the landscaping. The Commission recognized that it may take longer than six months to make the arrangements, so a condition has been proposed that would allow the Zoning Administrator to extend that time for an additional six-month period. The Commission also recommended the immediate installation of the landscaping in the rear of the property. He explained that staff recommended approval of the Planning Commission's recommendation through the adoption of proposed Resolution R03-19, with the stipulation that only one six-month extension be allowed, or a maximum extension of one year for compliance. He also noted that the property was currently for sale.

Mr. Shepperd questioned what would happen if the applicant did not conform.

Mr. Carter stated it would be a violation that would need to be pursued through the normal zoning compliance efforts, which could eventually result in the County and the property owner appearing before a judge.

Mr. Zaremba pointed out that they were not now in compliance.

Mr. Carter stated the County had been very lenient in terms of enforcing the provisions of the original use permit requirement that indicated some progress should be made on the landscaping incrementally through the five-year period.

Mrs. Noll asked if there was any effort previously on the applicant's part to comply.

Mr. Carter stated other than filing and getting the site plan approved, there had not been any landscaping installed and no paved parking lot installed.

Mr. Wiggins asked if the applicants thought the new entrance would be put in after the widening of Route 17 which will not take place now.

Mr. Carter stated the applicants were officially unaware that the project had been dropped.

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Chairman Burgett addressed the previous Special Use Permit and pointed out that the requirement was that the landscape plan would be phased in at no less than 20 percent per year, over a five-year period from the date of issuance of the permit, and the pavement of the parking lot would have to be completed prior to the end of the five-year period.

Discussion ensued on the application.

Mr. Martin Fisher, 108 Old Dominion Road, Vice-President of The Columbian Council 7469, appeared to answer any questions the Board may have. He reviewed many of the problems the Council encountered after it purchased the building. He stated after purchasing the property and beginning the site plan approval process, the Council realized why no one else wanted to buy the property. Mr. Fisher explained that the project became too costly due to the problems with the property.

Chairman Burgett then called to order a public hearing on Application No. UP-614-03 that was duly advertised as required by law. Proposed Resolution R03-19 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AMEND  
THE CONDITIONS ESTABLISHED BY RESOLUTION NO. R97-125,  
APPLICABLE TO THE PROPERTY LOCATED AT 8729 GEORGE  
WASHINGTON MEMORIAL HIGHWAY

Mr. Dick Ambrose, 205 Marl Ravine Road, appeared to speak on behalf of The Columbian Council and explained that he has an office building across from the applicant, and he was sympathetic with the Council's problems to meet all the site improvements. He stated that the paving and landscaping at his office cost as much as the building did, but it did not add any value to his property. He pointed out that the County did not need another vacant building on Route 17, and he encouraged the Board to work with the applicants.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Zaremba stated he was confused as to why the parking lot had to be paved, but he suggested the Board allow the applicant some more time. He pointed out that the applicant was not precluded from installing the landscaping. He also voiced his concerns with the applicant's desire to sell the property.

Mr. Wiggins stated this organization was a very worthwhile organization, and he had a lot of compassion for the members. He realized they could not rely on donated money in a non-profit organization. He stated he was willing to give them the extra time they needed and hoped they would not have to sell the property.

Mrs. Noll stated her concern over the applicant not living up to the previous agreement, and she questioned why the applicant had not contacted the County before now. She then agreed with Mr. Zaremba that some landscaping needed to be planted very soon. She was not sure she wanted to agree with the full year, but she was willing to give the applicant another six-month extension.

Mr. Shepperd agreed that the Knights were a great group, but he was concerned if the Board approved the application, that they still may not fix the problems. He stated that staff needed to fix the loophole in the zoning requirements.

Chairman Burgett asked Mr. Carter if the County was asking The Knights of Columbus to do anything different than any citizen going out and buying property on Route 17 and establishing a business.

Mr. Carter stated this was a little more restrictive, because of the use permit conditions, than in some cases where businesses are reoccupied with existing gravel parking lots. He indicated that in 1997 when the permit was issued it was considered important to have the parking lot paved. Mr. Carter offered a suggestion for a change in the wording of the proposed resolution to amend Condition Number 3 to read "Completion of the parking lot as indicated on the above referenced approved site plan, or other such revised site plan approved in accordance with Zoning Ordinance regulations, shall be completed within six months from the date of approval of this special use permit by the Board of Supervisors." He said this change would eliminate the absolute requirement for paving and would allow it to be considered consistently with other re-occupancy situations.

By consensus, the Board agreed to the proposed change.

Mrs. Noll then moved the adoption of proposed Resolution R03-19(R) which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AMEND  
THE CONDITIONS ESTABLISHED BY RESOLUTION NO. R97-125,  
APPLICABLE TO THE PROPERTY LOCATED AT 8729 GEORGE  
WASHINGTON MEMORIAL HIGHWAY

WHEREAS Columbian Council 7469, Inc., has submitted Application No UP-614-03 to request an amendment of the conditions established by Resolution No. R97-125 applicable to the property located at 8729 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 24A-1-5; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18<sup>th</sup> day of February, 2003 that Application No. UP-614-03 be, and it is hereby, approved to amend the conditions established by Resolution No. R97-125 applicable to the property located at 8729 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 24A-1-5; subject to the following conditions:

1. This special use permit shall authorize the continuation of a meeting hall pursuant to Section 24.1-306 (Category 4, Number 1) of the Zoning Ordinance at 8729 George Washington Memorial Highway, further identified as Assessor's Parcel No. 24A-1-5.
2. Landscaping as indicated on the site plan titled "Modified Site Plan & Facility Landscape Plan for Columbian Council 7469," dated 7/11/97, and approved by the York

County Director of Environmental & Development Services on March 3, 1998, or other such revised site plan approved in accordance with Zoning Ordinance regulations, shall be installed within six months from the date of approval of this special use permit by the Board of Supervisors.

3. Completion of the parking lot as indicated on the above referenced approved site plan, or other such revised site plan approved in accordance with Zoning Ordinance regulations, shall be completed within six months from the date of approval of this special use permit by the Board of Supervisors.
4. The entrance to the property shall be upgraded to meet current Virginia Department of Transportation standards for commercial entrances within six months from the date of approval of this special use permit by the Board of Supervisors.
5. Except for members of the Columbian Council 7469 and their service providers, vehicular access to the rear parking area shall be prohibited.
6. Hours of operation and all activities shall cease by midnight.
7. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court
8. For good cause shown, the Zoning Administrator may authorize an extension of the six-month term for compliance specified in Condition Nos. 2, 3 or 4 above. Authorization of any additional time for compliance *shall not exceed six (6) months*, and shall require a finding by the Zoning Administrator that the applicant has diligently pursued compliance by preparing and filing any site plan amendment requests, by responding to any requirements for revision, by pursuing all necessary approvals and permits from VDOT for the commercial entrance, and/or by diligently pursuing construction of the improvements shown on the existing approved site plan or those shown on an approved revision. The Zoning Administrator may consider extenuating circumstances such as an extended site plan review period beyond the control of the applicant, as well as time required to pursue in good faith the possibility of a joint commercial entrance with the adjoining property to the north. Consideration of additional time for compliance with landscaping requirements shall be limited to those portions of the site dependent on the final location, design and construction of the commercial entrance.

BE IT FURTHER RESOLVED that the conditions stated above shall supercede the conditions listed in Resolution No. R97-125, as applied to the above-referenced parcel.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett  
Nay: (0)

#### **UNFINISHED BUSINESS**

APPLICATION NO. UP-612-03, CARL AND KAREN BERQUIST

Mr. Carter made a presentation on Application No. UP-612-03 requesting a Special Use Permit to authorize a detached accessory apartment at Catesby Lane. Mr. Carter pointed out a change in the Board's material, explaining that the house was found to be 1,819 square feet rather than 1,679 feet as stated in the Board's information packet. The Planning Commission has recommended that the application be treated under the existing set of requirements rather than the new requirements.

Mr. Zaremba then moved the adoption of proposed Resolution R03-5(R) which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO  
AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 469  
CATESBY LANE

WHEREAS, Carl Richard and Karen K. Berquist have submitted Application No. UP-612-03 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on property located at 469 Catesby Lane and further identified as Assessor's Parcel No. 10C-4-D-95; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18<sup>th</sup> day of February, 2003 that Application No. UP-612-03 be, and it is hereby, approved to authorize a detached accessory apartment in conjunction with a single-family detached dwelling subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling on property located at 469 Catesby Lane and further identified as Assessor's Parcel No. 10C-4-D-95.
2. Building plans for the accessory apartment shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities related to the accessory apartment use on the site. Said plans shall be in conformance with elevation plans submitted by the applicant and received by the Planning Division on October 29, 2002 and floor plans received on November 25, 2002, and revised on February 5, 2003. A Certificate of Occupancy for the apartment must be issued prior to establishing residence in the building.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 750 square feet.

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5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling. The accessory apartment shall not be served by a separate electrical service meter.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett  
Nay: (0)

#### **CONSENT CALENDAR**

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 5, 6, 7, 8, 9, 10 and 11, respectively,

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett  
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

#### **Item No. 5. APPROVAL OF MINUTES.**

The minutes of the following meeting of the York County Board of Supervisors were approved:

January 21, 2003, Regular Meeting  
January 28, 2003, Adjourned Meeting

#### **Item No. 6. REIMBURSEMENT OF BOND PROCEEDS: SCHOOL CAPITAL PROJECTS: Resolution R03-14.**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YORK  
COUNTY DECLARING ITS INTENT TO REIMBURSE ITSELF FROM  
THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS  
FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN

CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND  
EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS FOR SCHOOL  
PROJECTS

WHEREAS, the County of York, Virginia (the "County") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Board of Supervisors of the County (the "Board") expects to pay or expects that the York County School Board will pay, after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction, and/or equipping of capital improvements for school projects (the "Project"); and

WHEREAS, the Board has determined that any moneys previously advanced no more than sixty (60) days prior to the date hereof, and those moneys to be advanced on and after the date hereof to pay the Expenditures, are available only for a temporary period and it is necessary to reimburse the County or the York County School Board for the Expenditures from the proceeds of one or more issues of tax-exempt bonds ("Bonds");

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18<sup>th</sup> day of February, 2003, as follows:

Section 1. The Board adopts this declaration of official intent under Treasury Regulation Section 1.150-2.

Section 2. The Board reasonably expects to reimburse advances made or to be made by the County or the York County School Board on and after that date which is no more than sixty (60) days prior to the date hereof to pay the Expenditures with respect to the Projects. The maximum principal amount of the Bonds expected to be issued for the Projects is \$6,050,000.

Section 3. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than eighteen (18) months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure itself is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

Section 4. This resolution shall take effect immediately upon its passage.

Item No. 7. PURCHASE AUTHORIZATION: Resolution R03-29.

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A DUMP  
TRUCK

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

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WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18<sup>th</sup> day of February, 2003, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following :

	<u>AMOUNT</u>
Dump truck, International 4300	\$57,999

Item No. 8. OFF DUTY EMPLOYMENT OF DEPUTY SHERIFFS: Resolution R03-32.

A RESOLUTION TO APPROPRIATE \$60,819 FOR THE OFF-DUTY  
EMPLOYMENT BY DEPUTY SHERIFFS PROGRAM

WHEREAS, on July 16, 2002, the Board of Supervisors adopted an ordinance to authorize the off-duty employment by deputy sheriffs; and

WHEREAS, requests made to the York County Sheriff for the employment of off-duty sheriffs has generated \$60,818.75 in revenues;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18<sup>th</sup> day of February, 2003, that \$60,819 be, and hereby is, appropriated in the General Fund to cover the costs of the off-duty employment by deputy sheriffs program.

BE IT FURTHER RESOLVED that additional funds received for the off-duty employment by deputy sheriffs program be, and hereby are, appropriated in the General Fund to cover the costs of the program.

Item No. 9. FINANCING OF FIRE AND LIFE SAFETY EQUIPMENT: Resolution R03-30.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YORK  
COUNTY DECLARING ITS INTENTION TO REIMBURSE ITSELF  
FROM THE PROCEEDS OF ONE OR MORE FINANCINGS FOR THE  
ACQUISITION OF FIRE AND LIFE SAFETY EQUIPMENT

WHEREAS, the County of York, Virginia (the "County") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Board of Supervisors of the County (the "Board") has determined that it may be necessary or desirable to advance money to pay the costs of acquiring certain fire and life safety equipment (the "Equipment");

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18<sup>th</sup> day of February, 2003, as follows:



Section 1. The Board adopts this declaration of official intent under Treasury Regulation Section 1.150-2.

Section 2. The Board reasonably expects to reimburse advances made or to be made by the County on and after that date which is no more than sixty (60) days prior to the date hereof to pay the costs of acquiring the Equipment from the proceeds of its debt or other financings. The maximum amount of debt or other financing expected to be issued in one or more series for the Equipment is \$1,945,000.

Section 3. This resolution shall take effect immediately upon its adoption.

Item No. 10. FINANCING OF RADIO COMMUNICATIONS SYSTEM: Resolution R03-31.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YORK  
COUNTY DECLARING ITS INTENTION TO REIMBURSE ITSELF  
FROM THE PROCEEDS OF ONE OR MORE FINANCINGS TO UP-  
GRADE THE COMMUNICATIONS SYSTEM

WHEREAS, the County of York, Virginia (the "County") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Board of Supervisors of the County (the "Board") has determined that it may be necessary or desirable to advance money to pay for a portion of the costs to upgrade the communications system (the "System");

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18<sup>th</sup> day of February, 2003, as follows:

Section 1. The Board adopts this declaration of official intent under Treasury Regulation Section 1.150-2.

Section 2. The Board reasonably expects to reimburse advances made or to be made by the County on and after that date which is no more than sixty (60) days prior to the date hereof to pay the costs of acquiring the System from the proceeds of its debt or other financings. The maximum amount of debt or other financing expected to be issued in one or more series for the System is \$5,000,000.

Section 3. This resolution shall take effect immediately upon its adoption.

Item No. 11. COMMENDATION OF BOBBY L. TANNER: Resolution R03-34.

A RESOLUTION TO COMMEND BOBBY L. TANNER, EROSION AND  
CONTROL INSPECTOR, ON THE OCCASION OF HIS RETIREMENT

WHEREAS, Bobby L. Tanner, began employment August 13, 1979, and on March 1, 2003, is retiring from his present position as Erosion and Control Inspector after 23½ years of service; and

WHEREAS, Mr. Tanner's services and considerable talents helped to improve the qual-

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ity of life for the residents of York County; and

WHEREAS, Mr. Tanner worked diligently to assure that the citizens of the County were well informed; and

WHEREAS, Mr. Tanner during his years with the Division of Utilities Engineering and Operations was dedicated to insuring that the long term needs of the County's sanitary sewer infrastructure was met by developers through his planning and plan review responsibilities;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, that Bobby L. Tanner be, and hereby is, commended for his commitment throughout the past 23½ years.

BE IT FURTHER RESOLVED that at this time of his retirement, an expression of appreciation be conveyed to Mr. Tanner on behalf of the County of York.

BE IT STILL FURTHER RESOLVED that the Board of Supervisors offers the very best wishes to him for a pleasurable retirement.

**CLOSED MEETING.** At 10:18 p.m. Mr. Shepperd moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.2-3711(a)(3) pertaining to real property used for a public purpose, specifically pertaining to the acquisition of real property for a public purpose.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett  
Nay: (0)

Meeting Reconvened. At 10:40 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Shepperd moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM  
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-  
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of February, 2003, hereby certifies that, to the best of each member's knowledge, (1)

only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett  
Nay: (0)

#### APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Chairman Burgett moved the adoption of proposed Resolution R03-33 which reads:

#### A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY

WHEREAS, on January 23, 2003, Dennis Holbrook passed away and his position on the York County Industrial Development Authority became vacant;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18<sup>th</sup> day of February, 2003, that H. J. Coxton be, and he is hereby appointed to the York County Industrial Development Authority to fill the unexpired term of Dennis Holbrook, such term to expire on June 30, 2003, and to serve a term of four years, such term to begin July 1, 2003, and expire June 30, 2007.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett  
Nay: (0)

Meeting Adjourned. At 10:43 p.m. Mr. Zaremba moved that the meeting be adjourned sine die  
On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett  
Nay: (0)

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James O. McReynolds, Clerk  
York County Board of Supervisors

James S. Burgett, Chairman  
York County Board of Supervisors